

ASSEMBLY BILL

No. 2147

Introduced by Assembly Member Harman

February 21, 2006

An act to add Chapter 5.8 (commencing with Section 42359) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2147, as introduced, Harman. Solid waste: compostable plastic food and beverage containers.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria.

Existing law prohibits a person from selling a plastic bag that is labeled as "biodegradable," "compostable," "degradable," or as otherwise specified, unless, at the time of the sale, the plastic bag meets a current American Society for Testing and Material (ASTM) standard specification for the term used on the label. Existing law requires a manufacturer or supplier, as defined, upon the request of a member of the public, to submit to that member, within 90 days of the request, information and documentation demonstrating compliance with these labeling requirements.

This bill would impose similar requirements, with regard to compostable plastic food or beverage containers, as defined, for purpose of prohibiting a person from selling a compostable plastic food or beverage container that is labeled as "biodegradable," "compostable," "degradable," or as otherwise specified, unless, at the

time of the sale, the container meets a current ASTM standard specification for the term used on the label.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.8 (commencing with Section 42359)
2 is added to Part 3 of Division 30 of the Public Resources Code,
3 to read:

4
5 CHAPTER 5.8. COMPOSTABLE PLASTIC CONTAINERS
6

7 42359. The Legislature finds and declares that it is the public
8 policy of the state that environmental marketing claims, whether
9 explicit or implied, should be substantiated by competent and
10 reliable evidence to prevent deceiving or misleading consumers
11 about the environmental impact of compostable plastic food or
12 beverage containers. For consumers to have accurate and useful
13 information about the environmental impact of compostable
14 plastic food or beverage containers, environmental marketing
15 claims should adhere to uniform and recognized standards,
16 including those standard specifications established by the
17 American Society for Testing and Materials.

18 42359.5. For purposes of this chapter, the following
19 definitions apply:

20 (a) "ASTM" means the American Society for Testing and
21 Materials.

22 (b) "ASTM standard specification" means a definition found
23 in the Style and Form Guide for ASTM Standards and does not
24 include an ASTM Standard Guide, a Standard Practice, or a
25 Standard Test Method.

26 (c) "Compostable plastic food or beverage container" means
27 plastic packaging for a finished product that contains food or
28 drink items, or utensils, for retail sale, where composting is the
29 preferred or intended disposal method for that packaging.

30 (d) "Manufacturer" means a person, firm, association,
31 partnership, or corporation that produces a compostable plastic
32 food or beverage container.

1 (e) “Supplier” means a person who does one or more of the
2 following:

3 (1) Sells, offers for sale, or offers for promotional purposes, a
4 compostable plastic food or beverage container that is used by a
5 person to contain a product.

6 (2) Takes title to a compostable plastic food or beverage
7 container produced either domestically or in a foreign country,
8 that is purchased for resale or promotional purposes.

9 42359.6. (a) A person shall not sell a compostable plastic
10 food or beverage container in this state that is labeled with the
11 term “compostable,” “biodegradable,” “degradable,” or any form
12 of those terms, or in anyway imply that the container will break
13 down in a landfill, composting, marine, or other natural terrestrial
14 environment, unless, at the time of the sale, the compostable
15 plastic food or beverage container meets a current ASTM
16 standard specification for the term used on the label.

17 (b) A manufacturer or supplier, upon the request of a member
18 of the public, shall submit to that member, within 90 days of the
19 request, information and documentation demonstrating
20 compliance with this chapter, in a format that is easy to
21 understand and scientifically accurate.